

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ROBERT RAYMOND DOWELL,
#02414619,

Plaintiff,

v.

NATIONAL SECURITY AGENCY
AND ARCHIVES, et al.,

Defendants.

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Case No. 6:23-cv-517-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Robert Raymond Dowell, a prisoner of the Texas Department of Criminal Justice (TDCJ) proceeding pro se and in forma pauperis, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On October 26, 2023, the Magistrate Judge issued a Report recommending that the case be dismissed with prejudice as frivolous and for failure to state a claim pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2). Docket No. 4. The Plaintiff has filed a letter since entry of the Report captioned “requesting to appeal,” which the Court construes as Plaintiff’s objections to the Report. Docket No. 8.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire

record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

A party objecting to a Magistrate Judge’s Report must specifically identify those findings to which he objects. Frivolous, conclusory, or general objections need not be considered by the District Judge. *See Nettles v. Wainright*, 677 F.2d 404, 410 & n.8 (5th Cir. 1982) (en banc). Furthermore, objections that simply rehash or mirror the underlying claims addressed in the Report are not sufficient to entitle the party to *de novo* review. *See U.S. v. Morales*, 947 F.Supp.2d 166, 171 (D.P.R. 2013) (“Even though timely objections to a report and recommendation entitle the objecting party to *de novo* review of the findings, ‘the district court should be spared the chore of traversing ground already plowed by the Magistrate.’”) (internal citations omitted); *see also Vega v. Artuz*, 2002 WL 31174466 *1 (S.D. NY Sep. 2002) (unpublished) (“However, objections that are merely perfunctory responses argued in an attempt to engage the district court in a rehashing of the same arguments set forth in the original petition will not suffice to invoke *de novo* review of the magistrate judge’s recommendations.”).


The Magistrate Judge recommended dismissal because Plaintiff’s complaint is clearly delusional and factually frivolous, including rambling allegations about pandemic-related nanobots controlled by microwaves being used against him and similarly fanciful claims. Docket No. 4 at 4. The letter submitted by Plaintiff does not

identify any error in the Magistrate Judge's analysis or conclusions. It references an attempt to communicate with the Department of Homeland Security and vaguely alleges a military conspiracy to violate his rights. Docket No. 8 at 1.

The Court has conducted a careful de novo review of the record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. § 636(b)(1) (District Judge shall "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such de novo review, the Court has determined that the Report of the United States Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, it is

ORDERED that the Report and Recommendation of the United States Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the Court. Plaintiff's objections are **OVERRULED**, and this case is **DISMISSED** with prejudice. Any pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this 20th day of November, 2023.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE